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Edinburgh's Civic Trust

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April 2015

Consultation: Student Housing in Edinburgh

Concentration of student housing

Much time and ink has been devoted to 'sustainable' communities - commercial, social, politically engaged etc. It is very clear from many disciplinary backgrounds that a key ingredient to vigorous local communities is diversity in the social composition of sub-areas within cities, and that place attachment (memory and meaning) are closely related to the physical environment constructed.

So our strong opposition to an undue concentration of student accommodation is that it severely damages the very characteristics that we cherish and seek to develop by other policy means. Student accommodation impinges adversely on existing local retail outlets, influences the viability of local schools by crowding out housing for families, limits amenities for and isolates the elderly in the community affected, and diminishes participation in the civil society of the area since students join student associations, not community ones.

Students need accommodation of course. But this needs to be scattered around the city now that the Universities themselves no longer show any appetite for developing further university-owned halls of residence. This trend is unlikely to be reversed. Since the Universities seek to maximise the revenue stream from their existing Halls, then the tourist season adds further impermanence to the areas where student accommodation is concentrated, and compounds the lack of commitment to associational life, diverse communities and civic engagement in the city.

Any notion that students need to be close to their classrooms need not be too seriously entertained - there are good discounts for students through Lothian buses – and in any event with the siting of Heriot Watt, Napier and St Margaret's there is good cause to spread that housing around to a greater extent.

The solution, what is wrong with a maximum number/percentage of housing units per ward dedicated to student accommodation?

'Purpose built' student housing

We always recommend that 'purpose built' student housing is required to be adaptable such that it can, in the future, work as residential accommodation. This includes consideration of: parking, amenity space (common drying green) and appropriate layout (around a central hall rather than a line of bedrooms).

President: Sir Sandy Crombie
Chair: Rt Hon Lord Brodie

Treasurer: Robert Cowan
Director: Marion Williams

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Guidance on parking provision suggests that most student housing development ought to provide parking of one car per 5-10 bed spaces, something which has been frequently over-looked. This provision needs to be enforced and increased to allow for future changes of use. We recall the developer's arguments about the complete lack of parking at the Abbeyhill development, that this would be managed by an agreed code of conduct which students would sign up to. We doubt that this could be enforced, were a student to bring their car to university and park it in the street causing a nuisance for local residents. It is a very weak planning argument.

We have concerns regarding the Lutton Place Inquiry Reporter's decision. The principles on which CEC's very well worded student housing policy was demolished was that first, the 2001 census data was out of date (though nothing more up to date was available at the time) and secondly, that by allowing student housing this would free up HMOs in the general housing stock to revert to family accommodation. There is absolutely no evidence that building student accommodation has this effect and at face value an application for student accommodation could only lead to an overall reduction in the proportion of students in the local population if every student flat built led to a conversion of an equivalent HMO back into family housing and furthermore, that every HMO so converted was previously let to students. This was a very spurious argument indeed.

Student Housing and HMOs

We do note that the Council will also be consulting on the approach it takes to licensing Houses in Multiple Occupation (HMOs). While these are different statutory functions of the Council, and HMOs provide accommodation to a wider range of people, there is a relationship between these issues and we find it impossible to comment on the issue of student accommodation without reference HMOs.

Edinburgh is not alone with this problem, most British cities are struggling with it though the rules are slightly different in England. The way forward may be to consider this as an HMO problem, both to see it in its true context and to counter the Reporter's decision. They share identical concerns about the proliferation of transient populations and a problem of "studentification", a term coined in England in the mid-1990s, usually in inner-city areas of terraced housing where the purchasing power of students on student loans and thus their landlords, was able to drive out owner-occupiers as houses came up for sale. In England a distinction was introduced in 2010 between housing class C3, family housing and class C4, HMOs. There were permitted development rights to convert one to the other but councils had the power to revoke these in districts where there was a problem and many cities have chosen to do so - see Newcastle's consultation on the matter. One must draw the distinction between HMO households, which Newcastle uses, and students in the local population. As most HMOs contain 4 or more residents, as opposed to the 1.5 average in the general housing stock, Newcastle's threshold of 30% HMO households probably equates to about 53% students (assuming all HMO tenants are) in the local population.

There is no definition of student housing in planning terms and whilst in England it is excluded from the definition of an HMO, in Scotland it is included, and hence all student housing applications in Scotland are for yet more HMOs. The two definitions in Scotland do not equate. A "house" (planning use class 9) can have up to five unrelated occupants and still be a house. Above five occupants it would be *Sui Generis* (of its own kind) a multi-person dwelling needing a change-of-use planning application to convert back to a house and so forth. However, as the number of occupants can change arbitrarily as can the number of rooms occupied as bedrooms this is difficult to enforce as a solely planning matter and depends on the HMO licencing system to bring to light irregularities. By contrast an HMO is by definition any household comprising more than two unrelated occupants and in Scotland these all need licencing.

The purpose of HMO legislation is primarily to ensure that there is safe, hygienic, well-managed housing stock for the larger groups who were previously thought to be most at risk from badly-managed properties and over-crowding. However, the licencing process has been used to record the number and frequency of such properties in certain areas and inform other measures to control them. The circulars (in England and Scotland) state that the licencing process should not be used to inhibit development, this should be done through the planning process, but when the planning process has so few levers at its control it is difficult to see how this could be done, since in Scotland it could only ever stop conversion of 6-person plus dwellings.

The Scottish Government's Circular 2/2012, "Houses in Multiple Occupation: Guidance on Planning Control and Licensing" states in paragraph 10 that "Purpose-built student accommodation should not be counted towards HMO concentration levels because these do not have the same effect on community amenity as do high concentrations of HMO within the existing housing stock". It is difficult to see how this statement can be justified, as the problems identified with high HMO concentrations are exactly the same as those that arise with high numbers of students; indeed the Circular in its pre-amble describes students as the main occupier of this accommodation-type leading to problems of vacancy outwith term-time.

To comment on Edinburgh's consultation then, it would seem to be essential to create some linkage between the concentrations of HMOs and purpose-built student HMOs in a district. At present the control mechanisms are weakened by using different descriptions for what is and isn't an HMO and it would be appropriate to introduce at national level a specific planning use-class for HMOs that corresponded to the HMO definition. Since the problem of student number concentrations is rehearsed in all of the guidance it would not seem to be in dispute, so the concern is to tie some meaningful control mechanisms to it.

A number's-based control system has merit but there are weaknesses with the very small wards based on the census that have been adopted by Edinburgh to date. Some of these already have an excessive concentration of students and under existing guidance it would be possible for student housing to continue to be built a few streets away provided it was in a complying zone; if any of the neighbouring zones are near to, or exceed their quotas then the application should be refused.

A second problem exists where the zone is largely undeveloped, as at Fountainbridge. Here the quotas should be set against housing in the planning permission pipeline. If no family housing is planned it would be appropriate to refuse the application. Balanced communities have to be planned for in the future as well as protected from the past.

We have tried to find a linkage in Edinburgh's planning guidance between student housing and affordable housing and so far as we can see none exists, though it is widely acknowledged that student housing developments do not need to contribute towards affordable housing quotas. We can see no reason for this view. A report from Plymouth Council justifies their high Community Infrastructure Levy on student accommodation due to its much higher profitability than ordinary housing development and this seems both accurate and sensible.

Throughout the consultation document there is reference to well-managed purpose-built student accommodation, as if HMOs are not well-managed and implying that purpose-built accommodation is better for this reason. Due to the HMO licensing process this is not true, an HMO landlord is an individual, rather like a licensed publican, who has to be of good standing and without a criminal record, etc.. There are fines and ultimately revocation of the license if the property is not well-managed, so it is wrong to infer this only applies to the purpose-built accommodation.

There is also a question about affordability. Purpose-built student accommodation is expensive, a typical flat of six single-bedrooms will generate £2860-£3380 per month, more than many large flats on Heriot Row and enough to pay, after costs a mortgage of between £424,000 and £507,000. Hence, it is at present the most profitable property sector in the UK outside City of London prime office development. Is there anything planning policy can do about this to help student tenants? But it is perhaps relevant in terms of the obligations developers are avoiding.

Some large houses are very well suited to operating as HMOs. This has been the case with many large New Town flats for decades. HMO use is a viable alternative to sub-division.

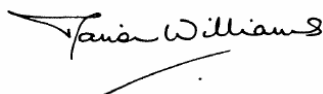
The Government recently altered the rules for those on benefits aged under 35, no longer supporting individuals as households and instead requiring them to live in HMOs. Previously the age limit had been 25. This has slightly increased the demand for HMOs as a proportion of the overall housing stock.

Students within HMOs are identifiable by not paying council tax, to be excluded from which they need to register with the local authority. Therefore accurate data will be available. However, there is no way of controlling who forms an HMO household, it could be students one year and working professionals the next.

Students' interests

We do need to be mindful of the students' interest in all of this. HMOs provide a valuable and very much cheaper alternative (at present) to student housing and most students select this for their second and third years by which time they have friends with whom to form households. Whilst a room in a typical purpose-built student flat would cost £110-£130 per week, a room in a private house HMO might be £65-£80 per week. It would be wrong if the effect of policy was to drive students into purpose-built accommodation and into paying higher rents. A balance needs to be struck and both types have their place. Furthermore, only private households have the means to challenge student housing pricing structures, otherwise control would lie solely in the hands of a few companies operating nationally which could quite easily force high pricing structures.

Yours sincerely

A handwritten signature in black ink that reads "Marion Williams". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Marion Williams
Director